

**FULL COUNCIL MEETING MINUTES**  
**November 19, 2018 - 1:30 PM**  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
*Senate Hearing Room, Legislative Hall, Dover*

**PRESENT**

Nick Fina, Chair/Advocate; Todd Webb, Vice-Chair/DelDOT-ADA; Gene Aucott, Easter Seals; Susan Campbell, DHSS/DMS; Anthony Carter, JEVS; Sonya Dyer, DAFB-Family Services; Kathie Cherry (for Wendy Strauss/GACEC); Moni Edgar, CAP-UCP; Leslie Hailey, DHSS/DDDS; Linda Heller, HLADE; Belinda Strickland (for Bonnie Hitch, DART); Cliffvon Howell, (for Christian Kervick/Criminal Justice Council); Jocelyn Langrehr, DOL/DVR; Karen McGloughlin, DHSS/DPH; Jim Miller, Polio/Post-Polio Support Group; Michelle Morin, Office of Supplier Diversity; Robert Overmiller, GAAPDG; William Payne, Advocate/Caregiver; Lauren Reynolds, Freedom Center for Independent Living; Loretta Sarro, DVR-ODHH; Lloyd Schmitz, Council on the Blind; Meredith Tavani, DSCYF/DPBH; Despina Wilson, Independent Resources, Inc.; Alexa Wolf (for Elizabeth Romero/DSAMH); John McNeal, Staff; Dee Rivard, SCPD/BIC; Amber Rivard, Support Staff; and Jo Singles, Support Staff.

**GUESTS**

Victoria Counihan, DOJ/AG  
Ruth Y  
Doris Roberts  
Jim Steele

Interpreters: Stephanie Merchant/Pam D'Occhio

**CALL TO ORDER**

Nick called the meeting to order at 1:31 pm. Everyone introduced themselves. Nick explained how the microphones work with the captioning on the screen. He asked folks to use one of the four microphones when speaking so that the captioning can be captured remotely. After many attempts, CART services did not connect due to slow internet. The IT tech commented that they are in the process of upgrading the internet.

**ADDITION OR DELETIONS TO THE AGENDA**

**Delete** Christiana Care Health System's Readiness for Persons with Disabilities - Nick stated that Dr. Mia Papas could not attend today's meeting and he will reschedule her attendance at the January 28<sup>th</sup> meeting to discuss Christiana Care Health System's Readiness for Persons with Disabilities.

**Action Item: Nick will invite Dr. Mia Papas to attend the January 28<sup>th</sup> meeting.**

**APPROVAL OF MINUTES**

Linda made a motion to approve the September 17<sup>th</sup> meeting minutes as submitted. The motion was seconded by Lloyd and motion was carried with no one opposing or abstaining. Nick thanked Jo for the thorough job she did in writing the minutes and that it is appreciated.

## **BUSINESS**

### **SSP Program for Deaf-Blind/Deaf-Low Vision**

Loretta spoke about the Social Support Program for Deaf-Blind/Deaf-Low Vision (handout). Linda had spoken about this program at the SCPD meeting on June 19, 2017. Loretta wanted an update about training and volunteers. Loretta stated that part of her job is referring people to resources. Linda explained how the program works. She stated that parents had contacted the HLADE (Hearing Loss Association of Delaware) because some deaf-blind people had not been out of their home in several years and had little or no support. Linda organized a group of parents together, developed a survey, and spoke to the parents to find out what their needs were. Parents were part of an active deaf ministry through the United Methodist Church. Linda made a presentation to DHSS last year, including agency representation from DDDS, DSAAPD, DSS, DVI and several deaf-blind children and their parents. Rita Landgraf had initiated the meeting. This meeting resulted in a grant being written in partnership with DSAAPD, submitted by DVI and approved by VISTA. When the grant was approved, DVI contacted Delaware School for the Deaf (DSD) about their Deaf-Blind Program. Linda noted that this is a first in Delaware. Linda commented that she has not had an update about the program since that happened. She explained that the role of HLADE was to facilitate and advocate for this program's existence. Loretta asked what age group is this program set up for—K-12 or K-adult. Linda explained that her understanding is that this program was intended primarily for adults, but she is unsure if it was expanded to include adults 18 and over. Linda suggested that the SCPD invite the DVI and DSD to provide a status of the program. Linda noted that Mark Campano is the Project Manager for the Social Support Program. Deb Bradl (DVI) offered to follow-up on this and communicate back to the SCPD. Lloyd made a motion that a request be made to DVI and DSD for a written summary of the grant and that an invitation be sent to present at the next SCPD meeting. Jim seconded the motion. Motion was carried with no one opposing or abstaining.

**Action Step: The SCPD request a written summary of the SSP and invite DVI and DSD to present an update at the January 28<sup>th</sup> meeting.**

### **Voting on SCPD Nominations for LIFE Conference**

Nick asked all voting members to fill out their ballots for the three awards (LIFETIME ACHIEVEMENT, State Service and Legislative Service). These SCPD Recognition awards are given during the luncheon portion of the LIFE Conference on Thursday, January 31<sup>st</sup> at Dover Downs. Nick stated that all completed ballots with names of each voter listed at the top should be given to Jo for tabulation. Victoria commented that the ballots are public documents and can be reviewed.

Nick spoke about the last minute change of venue by DPH. Karen explained that there was a flood a couple of months ago at the Edgehill Shopping Center. The State Banking Commission, located across the street, also had a flood. The large conference room is currently housing the State Banking Commission until their renovations are made. John noted that we did not receive this explanation and were also left off the email notification sent to agencies. Karen apologized on behalf of DPH for SCPD not getting the notice. Karen added that traditionally agencies are not bumped from the set schedule.

### **Reports of Committees/Commission/Working Groups**

Nick displayed his SCPD Operating Plan 2018-2019 (handout) on the screen. He asked one person from each initiative group to give an update on their initiative.

**Initiative Working Group 1-3** – Gene spoke in detail about the work his group is doing on Initiatives 1-3. Gene referenced the PowerPoint (handout). Meredith, Despina, Karen, Linda and Gene are in this group. He explained that the group identified the following for each of the initiatives: **Problem, Focus, Gap Analysis and Potential Countermeasures**. The group looked at the initiatives from a consumer's perspective.

#### Initiative #1

- Promote coordination among state programs, services, and plans established for or related to PWD

There was much discussion about the ADRC (Aging and Disability Resource Center) and improvements that could be made. Karen commented that tackling these three initiatives would take about 5-6 staff and take about a year. The group is trying to take small bites. One of the issues is not having a communication plan. Linda had suggested inviting DSAAPD to attend an initiative meeting. The initiative working group plans to have more meetings.

#### Initiative #2

- Review, on a continuing basis, all state policies, plans, programs and activities concerning persons with disabilities which are conducted or assisted, in whole or in part, by state departments, agencies, or funds in order to determine whether such policies programs, plans and activities effectively meet the needs of PWD.

#### Initiative #3

- Make recommendations to the Governor, the General Assembly and all State departments and agencies on ways to improve the administration of services for PWD and facilitating the implementation of new or expanded programs.

Gene spoke about the need for funding to achieve these goals. The General Assembly will need to be informed as we move forward, but a lot of baseline work needs to happen first. Linda noted that many agencies have their own Advocacy Councils and we should engage them for their assistance and input. John commented that some of these agencies are statutorily required to send a representative from their Advisory Council to SCPD meetings and this could be a way to exchange information.

Despina spoke about the following: Initiative #1: Engage the University of Delaware/Center for Disabilities Studies and DSAAPD/ADRC to have a collective approach. Initiative #2: 1) Create a form that answers what SCPD needs and have it incorporated in their Annual Audit for any grants the agencies obtain. Initiative #2: What do we want to see out of those programs? Question: The portal would include everyone in the state that touches people with disabilities. Is the audit process only for the State agencies under the statute that we would be interested in obtaining audits from or is it others as well? Karen commented that it could be a State contract that is contracted out so it would involve many community agencies because they are contracted under the State.

**Action Step: Create a form that answers what SCPD needs. Decide what data we want to collect that will highlight the inaccuracies of the current system. The working group plans to meet again.**

**Initiative Working Group 4** – Nick stated that Laura, Daniese, Kathie and he met on this initiative. Nick referenced a memo (handout). The range of potential issues to be discussed is wide and we are limited by our own resources. Their assigned task was to:

- Provide government and public with review and comments on legislation, regulations.

Nick spoke about the annual cross-council legislative planning meeting. He sees this annual exercise as a potential contributor to greater effectiveness in enabling the Council to act proactively on issues that matter to the community of PWD. The working group had shared the following problems:

1. The legislative planning exercise results in a brainstorm output. Sometimes it does not go far enough in terms of narrowing down issues that we can really work on.
2. The process for selecting the initiatives is inadequate.
3. There is a failure to organize for success. He noted that this Council comes up with lists of issues that we want to work on, but are not good at developing project schedules and small highly effective management methodologies.

The working group came up with a process that will help us get past some of the problems and become effective on what we are setting out to do. He reviewed the outline of an improved process, including meetings and the activities for each meeting. Initially, they would brainstorm potential issues. An analyst would be assigned to each identified issue. They will be looking for opportunities and barriers. Eventually, they will choose two or three issues that would have an impact either legislatively or regulatory. The group would prioritize issues that have a realistic chance of being successful. The project teams develop project plans (tasks, dependencies, resources, dates, milestones, etc.). Project plans would be reviewed and then have a kick-off. Policy & Law meetings would become involved in reviewing project statuses as standing agenda items.

John spoke about the SCPD being asked to lead the Legislative Planning process this year, formerly led by the DDC (Developmental Disabilities Council). He noted that three pieces of legislation initiated by the Legislative Planning Council were accomplished. There were some actionable priorities that were also accomplished. Nick asked to be included in the Legislative Planning Committee meetings. Dee added that the next meeting has not been scheduled.

**Action Step: Brainstorm potential issues. An analyst would be assigned to each identified issue.**

**Initiative Working Group 5** – Lloyd spoke about his working group, which also included Anthony Carter, Deb Bradl and Moni Edgar. Lloyd reviewed the handout. Their improvement initiative was to:

- Analyze and recommend changes in federal and local laws, regulations.

Lloyd stated that they selected two issues to work on:

1. Subminimum wage – There are two employers in Delaware that pay below the minimum wage. He stated that the Council should support minimum wage for all.
2. The Selective Placement Program through the State of Delaware. This program gives PWD a level playing field to get into State jobs without going through the competitive process. He

added that the way it is written in the Code, it is not being utilized with no encouragement given to hiring managers. This working group wants to explore how the Selective Placement Program can work more effectively or change it by putting legislation in there that will increase opportunities for employment for PWD.

Nick asked if this would require federal legislation. Lloyd stated that the State of Delaware is the only entity that issues the waivers. If waivers are no longer issued, then the issue of subminimum wages go away. Nick asked if the working group discussed any systemic problems in getting involved in State and local issues. Lloyd stated that State agencies need to be more informed about the Selective Placement Program. Legislation should say that the first order of business is that a hiring manager review the list of Selective Placement candidates that are prequalified for the position. Todd asked if this program was recommended and not mandatory. Anthony commented that there could be a certain mandatory requirement built into the program. He added that there could be a minimum number of applications for Selective Placement that hiring managers are required to review before going to the competitive posting. Anthony stated that he thought this working group was to brainstorm and make potential recommendations. Nick commented that he wanted to address systemic problems and being effective at federal and local levels. He explained that we need to review how effective we are at addressing opportunities for improvement on federal and local levels. If we are not as effective as we could be, then what can we do about it.

Deb Bradl commented that the group narrowed it down to what are the two biggest systemic issues in Delaware that this Council could have the most impact. She added that if information is not passed down to new hiring managers, they will not know about it unless HR is putting in their HR packets for new hiring managers. Checks and balances are needed to make sure this happens. The Council may be able to vote on a motion to go to the legislators and say as part of the State of Delaware's practice when you are hiring for employment, the hiring managers are required to review a certain number of applications or make it part of their hiring packet that a requirement to review these applications. The hiring managers should confirm that they considered this before posting for competitive employment positions. She stated that part of WOIA is expanded employment of PWD of which the EFOC has a mandate to provide oversight as a Commission for the State of Delaware to give PWD the opportunity for competitive employment. There are still providers out there that still give subminimum wage. As part of EFOC, we have identified this as a cultural mind shift that we are able to assist these agencies in identifying how to tackle capacity issues and move away from sheltered workshops and subminimum wage to more prevocational training. Lloyd noted that the State of Delaware is the largest employer in Delaware and that is where we can have the largest impact. Michelle commented that there may be a softer and faster route to go than the legislative route by contacting the newly created Department of Human Resources (DHR). She noted that DHR is headed by Secretary Sandra Johnson and she has hired a Chief Diversity Officer Keith Hunt. Michelle suggested that they may want to meet with Keith and his colleagues to learn or influence what he is creating for a centralized policy since they have already been given authority.

#### **Action Step:**

- Meet with the DHR Chief Diversity Officer Keith Hunt.
- Working Group will continue to meet to brainstorm other legislation to review.

- Create a survey that is sent to SCPD Members for broad distribution. John, Dee and Amber to discuss how this can be accomplished.

Nick commented that we need to identify the barriers that stop us from being effective from advocating for federal and local change. Nick added that they could follow-through on what they have discussed, but he would like their input on this aspect of it.

Karen asked if the SCPD had a customer survey. Karen commented that with a system change, we could establish a survey that could be sent statewide and get ideas from more than two or three people. She said that DPH has added a survey to every signature block. SCPD members could promote this and collect information.

Despina stated that the Council needs to decide on what story/message we want to tell repeatedly. We need to tell how we make a difference in people's lives and decide on a vehicle on how to communicate those stories.

Nick spoke about the success stories on the SCPD/EFOC website.

**Initiative Working Group 6** – Todd spoke about his group (along with Daniese) not being able to meet. Daniese will return in later December and they hopefully can meet. The working group's initiative is to:

- Hold agencies accountable for full integration of PWD in society.

Nick asked if anyone wanted to participate in this working group. Kathie commented that this group could meet with DHR since they already have the authority. Todd commented that they did not understand the requirements and full implementation of ADA. As a Council, we should push the following: Demand that every State agency have an ADA coordinator, a grievance policy and a statement of non-discrimination, a self-evaluation (depending on the number of employees), a transition plan (depending on the number of employees). Every State agency needs to do these steps, including policies and procedures. If these were in place, more barriers would be eliminated. More education is needed because basics are not happening. Todd emphasized that not having these plans in place is violating federal Civil Rights Law. Nick spoke about website accessibility and certain baselines that need to be included.

#### **Action Step:**

- Daniese and Todd will meet in late December.
- Develop a list of perceived violations.

**Initiative Working Group 7** – Michelle spoke about this group's initiative:

- Be a repository for statewide data on disability.

Her team included herself, Jocelyn and Susan. They discussed the following:

- What exists for statewide data on disability in the big picture?
  1. Identify all agencies with data.
  2. Possibility of a central directory to link agencies.

3. What already exists so we are not recreating the wheel and how can we point to data that already exists so this Council does not take on the obligation to create others data. Delaware already has open data which is free and open to the public. It is supported by DTI. It currently has 12 different subject matter tiles. A tile could be created for disabilities. The value of open data is that it can do a variety of things, starting a list of all the data that exists for PWD and then linked out to the different data points.
  4. We identified concerns about the different data points, including confidentiality (for example, HIPPA), in particular, children's data.
  5. We had concern about language and accessibility.
  6. We discussed the potential positives, including aggregate sharing without the personally identifiable information.
  7. Also, what data is missing that would not go into a State-run open data portal, such as federal data, DART data, or Easter Seals, and how we could fill in that initial listing document and provide a point to link out to those data points that are not State.
- They reviewed the Guide for Services for Older Delawareans and Persons with Disabilities. The only book they could find was dated 2014. There is a newer publication, but they do not have it yet. Anthony commented that the electronic version has been updated. Dee added that DSAAPD has printed guides dated 2017 and contact them directly for copies.

#### Action Steps:

- Have a conversation with DTI to discuss the open data portal and to learn what is possible and what support would come from DTI.
- What is necessary to get data into the open data portal not just from one entity, but get data from multiple offices? Michelle noted that it would take one champion from DTI to take on this project. This Council would have to prioritize what data from the list (first, second, third, etc.).

Linda stated that the University of Delaware/Public Policy Center has a lot of disability data. Cliff commented about all the internal and external links you have to go through to obtain the data. He added that there are a bunch of links, especially on the federal level. Some states are compiling the data into an electronic readable document. It categorizes and organizes the data, for example, data on persons with disabilities who are also part of the aging population. You may have to click into five levels before you get to the first piece of relevant data. The electronic documents are easier to manage. Nick commented that Cliff may have some insight to share with us. Michelle added that each agency could provide their describing paragraph. Karen stated that it is challenging to get agencies who collect data about persons to also collect data around persons with disabilities. Todd spoke about the importance of each agency having an ADA Coordinator. Linda mentioned that she wrote the first document on disability data while working for DSAAPD in 2004. The same massive issues came up in 2004. The Center for Disability Studies (CDS) had someone summarize some of the data. She suggested following up with Beth Mineo of CDS or the University of Delaware Policy Center and they may have additional data. Linda added that agencies collect data based on federal requirements for federal grants. There is no central repository. Karen added that, when CDS had the grant, they developed a Strategic Plan for Persons with Disabilities and collected a data around these issues. She will bring this document to the next meeting. Nick commented that great discussion occurred today and he appreciated the enthusiasm from the groups.

Nick stated that these Initiative Working Group Updates will be a standing agenda item for the next several months. He added that Rita challenged the SCPD to do this at the June Retreat.

## **Committee Reports**

### **Brain Injury Committee – TBI Trust Fund Policy**

Dee spoke about the Draft TBI Fund Policy (handout). She stated that the application process has been updated and streamlined. Nick commented about the length of the document and seemed disorganized with many edits and additions having been added. Nick added that it loses the ability to be a credible document. Dee said she will take this feedback to the Committee. Linda commented that the definition on page 2 of Traumatic Brain Injury include a sentence in it that it does not apply to an individual with an Acquired Brain Injury. Dee commented that it is mentioned in the document. Linda stated that it needs to be very clear. Linda has several other suggestions that she will email Dee at [dee.rivard@state.de.us](mailto:dee.rivard@state.de.us) or [scpdbraininjury@state.de.us](mailto:scpdbraininjury@state.de.us). A decision was made to delay a vote to approve until the next meeting when members have more time to review. Karen commented that there is funding left and applications are still being accepted. She asked everyone to get the word out. Dee stated that there is a link on the SCPD Facebook page that can be shared. Information can also be found on the SCPD website: <https://scpd.delaware.gov/brain-injury-funds.shtml>.

#### **Action Steps:**

A decision was made to delay a vote to approve until the next meeting when members have more time to review – Put on January 28, 2019 agenda.

### **Employment First Oversight Commission**

Deb Bradl commented that the Commission has been looking again at capacity building. They are trying to decide what focus they want to put their energies into. One is capacity building or agencies doing away with subminimum wage. They are looking into additional assistance from ODEP/ Employment First and the Mentoring Program. Deb stated that Andrea, Marissa and she put together an application, which was recently submitted for Vision Quest Technical Assistance. The hope is that we would be paired with other states that are focusing on similar topics and ideas to develop policy for the State. The focus they chose for technical assistance is the Implementation of WOIA and Employment First Initiatives for persons with disabilities in Delaware. She expects to hear something in the upcoming months. Nick asked about the Retreat that EFOC had in August. He asked if there had been any follow-up on the Retreat. Deb commented that Rita came up with recommendations in a document and we are trying to work through it, including the original intent of the Commission that is in the Code.

#### **Action Step:**

Nick recommended looking at the takeaways that came out of the Retreat.

### **Policy & Law Committee**

Nick stated that there are several new members on this Committee. The next meeting has been rescheduled for November 27<sup>th</sup>. Todd volunteered to chair the meeting.

### **Executive Committee**

Nick stated that the Executive Committee had discussed ways to implement the FOIA (Freedom of Information Act). Nick wants to get more information on the website. Some things are supposed to be on the website and are not there. He plans to discuss with John in order to make it easier to get to the information they need. He would like to have the final minutes put on the website. Dee noted that the

SCPD website has a link for each Committee that takes you to the State Public Meeting Calendar has the minutes on it. Draft and final minutes can be upload to the State Public Meeting Calendar.

#### Deaf & Hard of Hearing Committee

Loretta stated that there is a meeting tomorrow with several DHH Committee members and Andrea Guest on housing the Interpreter Registry in DOL/DVR/ODHH and the draft regulations that have been developed. John will also be in attendance. Loretta will send an email to Nick and copy John on the outcome of the meeting.

#### **Action Step:**

Loretta will send an email to Nick and copy John on the outcome of the meeting.

#### **NEW BUSINESS, ANNOUNCEMENTS, ACTION ITEMS**

John stated that DSHS (Department of Safety & Homeland Security) has requested an increase in \$20,000 for SCPD Contractual Services, an increase in Supplies and travel for the SFY 2019 budget. John thanked everyone, especially the Executive Committee, for their detailed work in getting this accomplished. John will inform the SCPD when the Joint Finance Committee (JFC) Schedule is set since they make the final decision. Linda recommended that the SCPD carefully orchestrate presentations at the JFC Hearings in February or March in order to be most effective. She suggested that Nick could do the main presentation with other SCPD members also speaking. Nick asked to be kept informed of the Budget Hearing schedule.

John announced that Kyle Hodges will be returning to SCPD as a casual/seasonal employee. His position will be Policy Administrator/Deputy Director. He will be the policy point person working with the Policy & Law Committee, the Employment Oversight Commission and the Brain Injury Committee. Nick commented that he was truly excited to hear that Kyle was returning to SCPD.

Jim asked people to spread the word of the importance of frequent handwashing, especially when dealing with young children. He stated that polio is not going away and we do not want a repeat of what happened in the 1930's, 1940's and 1950's.

Linda has been working with Legislators at Legislative Hall and they will be having a Hearing Loop installed. She explained how the Hearing Loop works and that it is a wireless way to connect to a speaker through a microphone through a hearing aid tele coil. Additional information can be found at: <http://www.hearingloop.org/>.

**Action Step: John will send the Joint Finance Committee schedule to SCPD Members once it is set.**

#### **PUBLIC COMMENT**

None

#### **ADJOURNMENT**

The meeting ended at 4:05 pm.

Respectfully submitted,

Jo Singles  
Administrative Specialist

SCPD/minnov18

<b><u>Action Steps:</u></b>	<b><u>Owner</u></b>
Nick to invite Dr. Mia Papas to attend the January 28 <sup>th</sup> meeting.	Nick
The SCPD request a written summary of the SSP and invite DVI and DSD to attend the January 28 <sup>th</sup> meeting.	John
Build the form and the questions regardless of whom we approach. Decide what data we want to collect that will highlight the inaccuracies of the current system. The working group plans to meet again.	Initiative Working Group #1-3
Brainstorm potential issues. An analyst would be assigned to each identified issue.	Initiative Working Group #4
Meet with the DHR Chief Diversity Officer Keith Hunt. Working Group will continue to meet to brainstorm other legislation to review.	Initiative Working Group #5
Working Group will continue to meet to brainstorm other legislation to review.	Initiative Working Group #5
Create a survey that is sent to SCPD Members for broad distribution. John, Dee and Amber to discuss how this can be accomplished.	Initiative Working Group #5
Daniese and Todd will meet when she is back in town (late December).	Initiative Working Group #6
Develop a list of perceived violations.	Initiative Working Group #6
Have a conversation with DTI to discuss the open data portal and to learn what is possible and what support would come from DTI. What is necessary to get data into the open data portal?	Initiative Working Group #7
What is necessary to get data from the open data portal from multiple entities?	Initiative Working Group #7
Vote on TBI Trust Fund Policy – Put on January 28, 2019 agenda.	Nick
Nick recommended looking at the takeaways that came from the EFOC Retreat.	EFOC
Loretta will send an email to Nick and copy John on the outcome of the meeting.	Loretta – DHH Committee
Email the JFC Committee schedule to SCPD Members.	John